

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBRA RHODES, et al.,

Plaintiffs,

vs.

Case No. 17-cv-14186

HON. MARK A. GOLDSMITH

RICHARD D. SNYDER,

Defendant.

**ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED AS
MOOT**

As residents of Michigan's 13th Congressional District, Plaintiffs filed this action on December 27, 2017, alleging that Defendant Governor Richard Snyder's decision to hold a special election to fill the district's vacant congressional seat eleven months after the vacancy occurred was unconstitutional. See Compl. (Dkt. 1). Plaintiffs moved for a preliminary injunction on February 2, 2018 (Dkt. 8), and filed an amended complaint on February 21, 2018 (Dkt. 10). In their motion for preliminary injunction, Plaintiffs requested that this Court order a special primary be held in May, with a special general election to coincide with the regularly scheduled August primary elections. The Court denied this motion in a March 28, 2018 Opinion and Order. See Rhodes v. Snyder, __ F. Supp. 3d __, 2018 WL 1516655 (E.D. Mich. Mar. 28, 2018). Currently pending before the Court is Governor Snyder's motion to dismiss the amended complaint (Dkt. 13).

The relief sought in Plaintiffs' preliminary injunction was the establishment of earlier special primary and general elections to fill the vacancy in the 13th district than the dates set out in Governor Snyder's call for elections. The Court denied this relief, on the grounds that Plaintiffs

had not demonstrated a likelihood of success on their equal protection claim, and that the balance of harms tipped in Governor Snyder's favor. In light of this denial, and because the requested relief can no longer be granted at this late date, the Court order Plaintiffs to show cause why this action should not be dismissed as moot. Plaintiffs' response to this order is due by May 25, 2018. Defendant may respond by June 8, 2018.

SO ORDERED.

Dated: May 11, 2018
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 11, 2018.

s/Karri Sandusky
Case Manager